

REMARKS

In the Office Action under reply, restriction was required as follows:

Group I claims 1-7, which the Examiner characterized as being directed to a method for manufacturing austenitic stainless steel;

Group II claims 8-12, which the Examiner characterized as being directed to a solder-melting tank; and

Group III claims 13 and 15, which the Examiner characterized as being directed to an automatic soldering apparatus.

It is respectfully submitted, the primary difference between the claims of Group II and the claims of Group III resides in the recitation in the Group III claims of the "conveying belt." By this amendment, the Group III claims are amended by deleting therefrom the recitation of the "conveying belt."

While the Group II claims recite an immersion type heater installed in the solder bath, it is apparent that the apparatus of the Group III claims require a source of heat. The Group II and III claims are directed to substantially the same invention, but are of different scope. Hence, a search for the subject matter of the Group II claims clearly overlaps with a search for the subject matter of the Group III claims. Consequently, the Examiner is respectfully requested to reformulate his restriction requirement between Group I claims 1-7 and Group II claims 8-13 and 15. With this reformulation, Applicants elect, without traverse, claims 8-13 and 15 for further prosecution in this application.

However, should the Examiner decline to reformulate his restriction requirement as proposed above, the election made herein should be treated as an election with traverse for the following reasons: It is respectfully argued that restriction among claims that are directed to substantially the same invention but are of different scope is unwarranted. It is common in U.S.

patent practice to present claims ranging from narrow to broad scope and directed to different features and aspects. It would, of course, serve no purpose if all of the claims in a patent application are of the same scope or if all of the claims are directed to the very same feature. It is urged, therefore, that since the claims of Group II and the claims of Group III in the instant application are of different scope, all encompassed by the same invention, as is typical in U.S. practice, the present Restriction Requirement between the Group II and Group III claims should be withdrawn.

Furthermore, it is submitted that a search for the invention defined by the Group II claims will require a search that encompasses the claims of Group III and, thus, both groups of claims of the instant application will be searched. Therefore, if the present requirement for restriction is maintained, the logical result will be the filing of a divisional application to include the claims encompassed by the non-elected group. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the Group II claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional case; but in light of the delay between the prosecution of the present application and that of the divisional application, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency will result in his examination of that divisional case. After all, the present Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of the divisional application.


Therefore, since the only logical outcome of the present restriction requirement would be to delay the examination of the claims included in Group III, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicant, and since the single search can be done for all claims without any significant burden on the Office, the withdrawal of the instant restriction requirement and the examination on the merits of all of claims 8-13 and 15 are respectfully solicited.

No objection is made at this time to the determination that the Group I claims are restrictable from claims 8-13 and 15.

Accordingly, the examination on the merits of all of claims 8-13 and 15 is respectfully solicited.

Respectfully submitted,

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